

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG**

**CHARLEATTA M. BLACK,**

Plaintiff,

v.

**CIVIL ACTION NO.: 3:18-CV-193  
(GROH)**

**DEPARTMENT OF VETERANS AFFAIRS,**

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION**

Pending before this Court is the Report and Recommendation (“R&R”) entered by United States Magistrate Judge Robert W. Trumble on December 6, 2018. ECF No. 7. In his R&R, Magistrate Judge Trumble finds that this Court lacks subject-matter jurisdiction over Plaintiff’s Title VII claims and recommends that Plaintiff’s Complaint be dismissed without prejudice and Plaintiff’s Motion [ECF No. 2] for Appointment of Counsel and Motion [ECF No. 3] to proceed *in forma pauperis* be denied as moot.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the magistrate judge’s findings to which objection is made. However, failure to file objections permits the district court to review the R&R under the standard that it believes to be appropriate, and if parties do not object to an issue, the parties’ right to *de novo* review is waived. See Webb v. Califano, 468 F. Supp. 825 (E.D. Cal. 1979). Additionally, if the Plaintiff’s objections simply “reiterate[] the same arguments made by the objecting party in [her] original papers submitted to the magistrate judge . . . the Court subjects that portion of the report-recommendation challenged by


those arguments to only a clear error review.” Taylor v. Astrue, 32 F. Supp. 3d 253, 260 (N.D.N.Y. 2012). Therefore, the Court will conduct a *de novo* review of those portions of the R&R to which a party makes new objections and will review the remaining portions of the R&R for clear error.

Objections to Magistrate Judge Trumble’s R&R were due within fourteen plus three days of the Plaintiff being served with a copy of the same. 28 U.S.C. § 636(b)(1). The Court notes that the R&R was mailed to the Plaintiff and returned as undeliverable on January 4, 2019. Accordingly, no objections have been filed. However, the Court emphasizes that the Plaintiff has a continuing obligation to keep the Court informed of her mailing address. Thus, this Court will review the R&R for clear error.

Upon careful review of the R&R, it is the opinion of this Court that Magistrate Judge Trumble’s Report and Recommendation [ECF No. 7] should be, and is hereby, **ORDERED ADOPTED** for the reasons more fully stated therein.

For the reasons more fully stated in the Report and Recommendation, this Court **ORDERS** that the Plaintiff’s Complaint [ECF No. 1] be **DISMISSED WITHOUT PREJUDICE** and **STRICKEN** from the Court’s active docket. The Court further **ORDERS** that Plaintiff’s Motion [ECF No. 2] for Appointment of Counsel and Motion [ECF No. 3] for Leave to Proceed in Forma Pauperis are **DENIED AS MOOT**. The Clerk is **DIRECTED** to transmit copies of this Order to all counsel of record and the *pro se* Plaintiff.

**DATED:** January 7, 2019

  
GINA M. GROH  
CHIEF UNITED STATES DISTRICT JUDGE